

**UNITED STATES BANKRUPTCY COURT**

**HEARING DATE: 06/01/2023  
9:30 AM**

*In re:*

**Chapter 13  
Case No.: 8-23-71064-reg**

**CATREINA LYNCH**

**Debtor.**

**DEBTOR'S OPPOSITION TO TRUSTEE'S MOTION TO DISMISS CASE**

**TO: HON. ROBERT E. GROSSMAN  
UNITED STATES BANKRUPTCY JUDGE:**

Caterina Lynch, the Debtor ("Debtor"), in the above-captioned Chapter 13 bankruptcy case, by his attorneys, The Law Office of Ronald D. Weiss P.C., submits this Opposition to the motion, dated May 15, 2022, of Michael J. Macco Chapter 13 Trustee (the "Trustee"), for an order dismissing the Debtor's case (the "Motion").

**PRELIMINARY STATEMENT**

1. The Trustee seeks an order, pursuant to 11 U.S.C. 1307(c), dismissing this Chapter 13 case on the grounds that the Debtor has failed to provide copies of March 2023 payment advices; failed to provide an affidavit of contribution with proof of income attached; Failed to provide the Trustee with Debtor's email address; failed to provide an amended Chapter 13 repayment plan which lists a feasible plan payment amount in Section 2.1 according to the net income afforded in Schedule I; failed to provide proof of post-petition mortgage payment for April 2023; and failed to provide all mandatory disclosure documentation as set forth in LBR 2003-1.

**DEBTOR'S RESPONSE TO THE TRUSTEE'S ALLEGATIONS**

2. Debtor provided the Trustee via the Trustee's document portal, copies of 2021 and 2022 tax returns; Paystubs; Copies of the Debtor's Capital One Bank Statement; Copies of Debtor's photo ID and Social Security Card. Accordingly, it is Debtor's position that Debtor substantially complied with the mandatory disclosure requirement.

3. As of the date of this opposition, the Debtor is also current with her payments to the Trustee under the terms of her Chapter 13 Plan. Debtor has paid the Trustee \$3,600.00.

4. On May 25, 2023, the Debtor filed an affidavit of contribution with proof of income regarding her son who lives with her.

5. On May 25, 2023, Debtor filed amended Schedule I/J.

6. On May 25, 23, the Debtor provided proof of post-petition mortgage payments for April and May 2023.

7. The Debtor is in the process of amending her Chapter 13 Plan and anticipates that it will be amended prior to the hearing scheduled for the trustee's motion.

8. Debtor believes she has substantially complied or will have substantially complied prior to the hearing on the trustee's motion prior to the hearing.

9. WHEREFORE, the Debtor respectfully requests that the Court (i) enter an Order dismissing the Trustee's motion and (ii) granting the Debtor such other and further relief as this Court deems just and proper.

Dated: Melville, New York  
May 25, 2023

RONALD D. WEISS, P.C.  
Attorney for Debtor

/s/Marc Daniels  
By: Marc Daniels, Esq.  
734 Walt Whitman Rd, Suite 203  
Melville NY 11747  
(631) 271-3737

**TO: OFFICE OF THE UNITED STATES TRUSTEE**

**560 Federal Plaza  
Central Islip, NY 11722**

**MICHAEL J. MACCO, ESQ.**

**Chapter 13 Trustee  
2950 Express Drive South  
Suite 109  
Islandia, NY 11749**